

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claim 18 has been amended to recite a machine readable storage medium. Support for this amendment is found in the Specification as filed, for example in paragraph 0058, which describes examples of such media (e.g., magnetic disk, optical disk). Further, reference to carrier waves and the like have been removed from paragraph 0059. The rejection of claims 18-25 under 35 USC 101 is therefore moot.

Claims 1-25 are patentable over Knudson in view of Rosser '261, because even when considered in combination with one another these references do not suggest a system or method in which an interactive channel bug is morphed into a received broadcast, according to computer-readable instructions executed by a receiver at which the broadcast is received without user intervention.

Knudson, US Patent 6,536,041, describes a system and method for introducing real time data into interactive program guides and controllable tickers. Knudson Abstract; 1:7-11, 13:49-54; and Figures 1, 13. This system generates a first key associated with program listing data at a main facility, and a second key at source of real time data. These keys are distributed to a television program guide in the receiver, which matches the keys and supplements program listing data with real time data before displaying the program guide or controllable ticker to the user. Knudson, 2:44-49; Figures 8, 10, 11, and 13. The controllable tickers described by Knudson are based on the program guide. Knudson 13:49-54.

In the Knudson system, the program guide and controllable ticker, and their associated program data, all exist prior to the generation of the keys. Thus, Knudson may be regarded as a scheme for supplementing program data, associated with interactive program guides and controllable tickers, with real time data, at the receiver. Knudson 11: 7-27. In other words, no interactivity is introduced in the receiver and only real time data is added to the interactive content data at the receiver.

Rosser, US Patent 6,446,261, describes a scheme for mixing original video, warped inserts and occlusion masks at a set top box to facilitate the display of the inserts with the original video. Rosser '261 at col. 3, ll. 17-25, col. 7, ll. 21-58. The inserts are described as still, animated or live video, Rosser '261 at col. 7, ll. 41-42, and the occlusion mask is generated at the broadcast end and sent to the set top box in the video blanking interval of the broadcast. Rosser '261 at col. 6, ll. 20-25 and 52-55.

Accordingly, the combination of Knudson and Rosser '261 would yield, at best, a scheme wherein real time data, in the form of images or video, was inserted in a broadcast at a set top box

according to an occlusion mask generated at the broadcast end. This is not what is recited in claims 1-25.

Instead, claims 1-25 recite systems and methods in which a broadcast is received and an interactive channel bug that facilitate interactivity without the need for tuning to a dedicated channel associated with interactive services is morphed into the broadcast at the receiver. Neither Knudson nor Rosser '261 discuss morphing objects that facilitate interactivity at a receiver. The real time data discussed by Knudson does not facilitate interactivity, nor do the images, animations or videos discussed by Rosser '261. At best, the proposed combination would still not teach or suggest features of the presently claimed invention and so the present claims should be deemed patentable over the combination of Knudson and Rosser'261.

Claims 29-31 are patentable over Knudson in view of Rosser '261 and Rosser '919, because even when considered in combination with one another these references do not suggest a method in which an interactive bug is aligned over a non-interactive bug

Knudson and Rosser '261 are discussed above and the combination of these references was demonstrated to yield, at best, a scheme wherein real time data, in the form of images or video, was inserted in a broadcast at a set top box according to an occlusion mask generated at the broadcast end. Rosser, US Patent 6,750,919, describes an almost contrary scheme in which a non-interactive image is morphed into a broadcast prior to anything being broadcast to a receiver. . See, e.g., Rosser Fig. 1, col. 4, ll. 15-28, Abstract, and claim 1(f). Therefore, the references proposed for the combination themselves yield contrary indications to one of ordinary skill in the art -- one reference, Rosser '261, suggests insertion at the receiver, the other, Rosser '919, suggests insertion prior to broadcast. It is highly unlikely one could or would combine these teachings in any meaningful fashion, hence, the proposed combination of references seems an unsuitable basis on which to reject the present claims.¹

Nevertheless, even if some form of combination of these teachings were derived, one still would not arrive at the presently claimed invention because none of the insertions discussed in any of these references is interactive content and certainly not an interactive bug. The present claims recite methods of morphing of an interactive channel bug is at the receiver. Hence, at least for the above

¹ A proposed modification of a reference cannot be used in support of a rejection under 35 USC 103 if that modification would render the underlying reference unsatisfactory for its intended purpose. See, e.g., *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Likewise, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Here, the two Rosser references teach such fundamentally different approaches to the insertion of content that it is unlikely these teachings can be combined in any way that would not change the principle of operation of one of them and/or render it unsuitable for its intended purpose.

mentioned reasons claims 29-31 are patentable over Knudson even in view of Rosser '261 and Rosser '919.

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Respectfully submitted,

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